

**RESOLUTION NO. 03-589**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **EBERLY COURT**, FROM THE WEST LINE OF 119TH STREET, WEST TO AND INCLUDING THE CUL-DE-SAC, (SOUTH OF 21ST, WEST OF 119TH STREET WEST) 472-83886, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **EBERLY COURT**, FROM THE WEST LINE OF 119TH STREET, WEST TO AND INCLUDING THE CUL-DE-SAC, (SOUTH OF 21ST, WEST OF 119TH STREET WEST) 472-83886, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Eberly Court**, from the West line of 119th Street, west to and including the Cul-de-Sac, (south of 21st, west of 119th Street West) 472-83886.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Eighty Thousand Dollars (\$180,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **October 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**LAUREL ACRES**

**Tract 1:** Lot 1, Block A

**UNPLATTED TRACTS**

In Section 12, Twp 27S, R2W

**Tract 2:** Beginning 1058.84' W of the NE corner of the S 1/2 of the NE 1/4; thence W 913' to a point 580.61' E of the NW corner of the S 1/2; SE 602.88' NE 529.29' N 150' to the beginning except for Cul-de-sac. **(D-1284-UP)**

**Tract 3:** Beginning 165' N of the SE corner of the NE 1/4; thence W 539.83' N 399.75' E 554' to the E line, S 400' to the beginning except the E 50' & N 35' for Roads.  
**(D-1285-UP)**

**Tract 4:** Beginning 565' N & 542' W of the SE corner of the NE 1/4; thence N 400.22' E 193' to a point 363.18' W of the E line, 357.5' W 405.66' S 757.64' E 200' to the beginning except the S 35' for Road. **(D-1286-UP)**

**Tract 5:** Beginning 565' N & 742' W of the SE corner of the NE 1/4; thence N 757.64' W 290' S 757.83' E 290' to the beginning except the S 35' for Road. **(D-1287-UP)**

**Tract 6:** Beginning 539.83' W & 165' N of the SE corner of the NE 1/4; thence W 548' N 399.75' E 548' S 399.75' to the beginning except the N 35' for Road. **(D-1313-UP)**

**Tract 7:** Beginning 580.61' E of the NW corner of the S 1/2 of the NE 1/4; thence SE 602.88' S 110' WLY 884.97' N 430.46' to the N line of the S 1/2, E 390.61' to the beginning except Eberly Ct. **(D-1315-UP)**

**Tract 8:** Beginning 565' N & 1032' W of the SE corner of the NE 1/4; thence W 400' NWLY 102.10' along curve, N 290' NE 529.29' S 607.83' to the beginning except for Road. **(D-1316-UP)**

**Tract 9:** Beginning 165' N & 1087.83' W of the SE corner of the NE 1/4; thence W 818.67' N 50' NE 536.48' N 50' ELY along curve, 14.15' E 330' to a point 1100.73' W of the E line, S 364.75' to the beginning **(D-1317-UP)**

**Tract 10:** Beginning 190' E of the SW corner of the NE 1/4; thence N 552.51' ELY 845.92' SELY along the Center line of the Road, 87.39' S 85' SW 536.26' S 215' to the S line, W 416.27' to the beginning except for Road. **(D1318-UP)**

**Tract 11:** Beginning 190' E & 552.51' N of the SW corner of the NE 1/4; thence N 340.4' SELY 844.97' to the Center line of the Road, S 180' SLY along curve, 5.51' WLY 845.92' to the beginning except for Road. **(D-1319-UP)**

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Each Tract described above paying 1/11th of the total cost assessed to the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans,

specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, November 18, 2003.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SCHOFIELD, CITY CLERK

(SEAL)